

REMARKS

Claims 1-4, 6-7 and 9-20 are pending in the application. Claims 5 and 8 have been canceled without prejudice. Claims 1-20 have been examined on the merits. The amendments to the specification have been made to correct obvious typographical errors. Support for the amendments to the specification can be found in paragraph [0020] at pages 28-30 in the specification and Figs. 3 and 4 in the drawings. The amendments to the claims have been made to further clarify the presently claimed invention by further improving the English. No new matter has been introduced, and entry of the above revised claims is respectfully requested.

Rejection Under 35 U.S.C. §112, second paragraph

Claims 3-5, 7, 13, 15-17 and 19-20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested. It is believed that the amended claims provided herein are definite and address all of the Examiner's concerns.

In order to further clarify the subject matter of the claimed invention, the presently claimed invention includes at least the following features.

As embodied in claim 15 for example, the presently claimed invention is directed to a screening system for a drug, which is able to supply a fat-soluble vitamin into a living body. In this system, a candidate substance that causes an increase of fat-soluble vitamin in the saliva of parotid gland can be considered to be a health supplement food, pharmaceutical drug or food, which is able to facilitate ingestion of drugs into living body more easily.

Another is a screening system for a drug, which is able to inhibit the synthesis or metabolism of biological substances. An increase or decrease of a fat-soluble vitamin in the parotid saliva may indicate usefulness of an effective drug such as cholesterol synthesis-inhibitor, which is active in the route for synthesis or metabolism of a fat-soluble vitamin. For example, CoQ10 synthesis *in vivo* shares common route with cholesterol synthesis (the present specification: paragraph [0005]). Therefore, an effect of an inhibitor of cholesterol synthesis such as statin type drug (HMG-CoA reductase-inhibitor and so forth) can be determined by assaying for CoQ10 activity (the present specification: paragraph [0043]). Inhibition of CoQ10-synthesis means inhibition of cholesterol synthesis. Then, an assay of CoQ10 is useful for examination for hypercholesterolemia.

Rejection Under 35 U.S.C. §102(a), as being anticipated by Sekine, BioFactors, Vol. 25:205-211, 2005

Claims 1-3, 6, 8-16 and 18-20 have been rejected under 35 U.S.C. §102(a) as being anticipated by Sekine. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Sekine reference was published in 2005. The present application has a priority date of March 3, 2004 (JP2004-059834) and October 25, 2004 (JP2004-309702). Applicants submit herewith a Declaration Under 37 C.F.R. 1.132 stating that notwithstanding the overlapping authorship of the Sekine reference in which the present inventors are also listed as authors in the Sekine reference, the present inventors are the true inventors of the presently claimed invention. Accordingly, it is believed that this rejection has been overcome.

Rejection Under 35 U.S.C. §102(b), as being anticipated by Lumikari (cited in IDS)

Claims 1-3, 13-14 and 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Lumikari. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicant notes that claim 8, which recites “parotid saliva” was not rejected. Since the presently claimed invention is directed to this embodiment, it is believed that this rejection has been overcome.

Rejection Under 35 U.S.C. §103(a), Over Sekine, BioFactors, vol. 25:205-211, 2005

Claims 4-5, 7 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Sekine. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested. In view of the Declaration submitted Under 37 C.F.R. 1.132 as discussed above, it is believed that this rejection has been overcome.

Rejection Under 35 U.S.C. §103(a), Over Lumikari (cited in IDS)

Claims 4-7, 15-17 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lumikari. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicant notes that claim 8, which recites “parotid saliva” was not rejected. Since the presently claimed invention is directed to this embodiment, it is believed that this rejection has been overcome.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is hereby authorized to charge JHK Law’s Deposit Account No. **502486** for such fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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